

House Bill 656 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 89th, Lunsford of the 110th, Mangham of the 94th, Brooks of the 63rd, Watson of the 91st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 47-3-121, relating to optional retirement allowances under the Teachers Retirement System of Georgia, election of such options, and revocation of election, so as to provide that a member who upon retirement elects survivor's benefits for a spouse and another may, in the event of divorce, revoke such election as to the spouse; to provide that the member may elect to reallocate the spouse's share amount among the other beneficiaries or such beneficiaries shall continue to be entitled to the same benefit; to provide for a recalculation of the member's benefit; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-3-121, relating to optional retirement allowances under the Teachers Retirement System of Georgia, election of such options, and revocation of election, is amended by adding a new subsection to read as follows:

"(l) If a member has elected an optional allowance under this Code section and has nominated his or her spouse and one or more other persons to receive all amounts and benefits payable on or after his or her death as a result of such election, then after the entry of a final judgment of complete divorce from the spouse so nominated the member may revoke the election as to such spouse. Upon any such revocation, the member may elect one of the following options:

(1) The member may allocate the spouse's percentage among the beneficiaries other than the spouse, in which event the member's benefit shall be recalculated to compensate for the remaining survivor's benefit as determined by an actuary; or

(2) The beneficiaries other than the spouse shall continue to be entitled to receive the same percentage of the member's retirement allowance they had before the revocation, and the member's benefit shall return to the allowance which would otherwise be payable

1 to him or her if he or she had not elected such option, reduced to compensate for the
2 remaining survivor's benefit as determined by an actuary.

3 This subsection shall apply to final judgments received by the retirement system on or after
4 July 1, 2008. Any adjustments shall be effective on the first day of the month following
5 the receipt of the final judgment by the retirement system. In no event shall any adjustment
6 be made effective retroactively."

7 **SECTION 2.**

8 This Act shall become effective on July 1, 2008, only if it is determined to have been
9 concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia
10 Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not
11 become effective and shall be automatically repealed in its entirety on July 1, 2008, as
12 required by subsection (a) of Code Section 47-20-50.

13 **SECTION 3.**

14 All laws and parts of laws in conflict with this Act are repealed.